

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

HOMER KING,	)	
Plaintiff,	)	
	)	
v.	)	No. 3:09-CV-144
	)	(Phillips/Shirley)
MICHAEL J. ASTRUE,	)	
COMMISSIONER OF SOCIAL SECURITY,	)	
Defendant.	)	

**JUDGMENT ORDER**

For the reasons stated in the memorandum opinion filed contemporaneously with this order, the report and recommendation of the magistrate judge [Doc. 20] is **ACCEPTED IN WHOLE** under 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b).

**IT IS ORDERED**, for the reasons stated in the report and recommendation, which the court adopts and incorporates into its ruling, that the Commissioner's motion for summary judgment [Doc. 15] is **DENIED**; the plaintiff's motion for summary judgment [Doc. 11] is **GRANTED in part**; whereby this case is **REMANDED** to the Commissioner for further proceedings.

**IT IS SO ORDERED.**

ENTER:



s/ Thomas W. Phillips  
United States District Judge